

# FISCAL NOTE

**Bill #:** HB0571

**Title:** Revise unfair trade practices and consumer protection laws

**Primary Sponsor:** Parker, J

**Status:** As Introduced

Sponsor signature	Date	Chuck Swysgood, Budget Director	Date
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## Fiscal Summary

	<b><u>FY 2004 Difference</u></b>	<b><u>FY 2005 Difference</u></b>
<b>Expenditures:</b>		
State Special Revenue	\$0	\$0
<b>Revenue:</b>		
State Special Revenue	\$0	\$0
<b>Net Impact on General Fund Balance:</b>	\$0	\$0

<input type="checkbox"/> Significant Local Gov. Impact	<input checked="" type="checkbox"/> Technical Concerns
<input type="checkbox"/> Included in the Executive Budget	<input type="checkbox"/> Significant Long-Term Impacts
<input type="checkbox"/> Dedicated Revenue Form Attached	<input checked="" type="checkbox"/> Needs to be included in HB 2

## Fiscal Analysis

### ASSUMPTIONS:

#### **Department of Administration**

1. All administrative and enforcement functions relating to unfair trade practices, consumer protection laws and telemarketing laws that are now under the Department of Administration would be transferred to the Department of Justice.
2. The FTE and related authority of these programs would be transferred. The budget approved by the General Government and Transportation Appropriation Subcommittee is presented in the fiscal note.
3. The Burial Board is currently under the Consumer Affairs Bureau, but this program would not be transferred to the Department of Justice.
4. Although the bill does not state an effective date, it is assumed this transfer would occur on July 1, 2003.

#### **Department of Justice**

5. The HB 2 budget approved to date is presented in the fiscal note. The fiscal impact from other legislation such as HB 127, SB 327, SB 308, and SB 62 are not included in this fiscal note. Upon passage and approval of bills such as these, additional fiscal adjustments would be made to the budget for Consumer Affairs.
6. The remaining fund balance in the existing state special revenue fund will be transferred to DOJ with the passage of this legislation.

**Fiscal Note Request HB0571, As Introduced**  
(continued)

FISCAL IMPACT:

	FY 2004 <u>Difference</u>	FY 2005 <u>Difference</u>
<b>Department of Administration</b>		
<b>Program 03- Accounting and Management Support Program</b>		
FTE	(6.75)	(6.75)
<u>Expenditures:</u>		
Personal Services	(\$283,122)	(\$282,822)
Operating Expenses	<u>(\$102,300)</u>	<u>(\$96,345)</u>
TOTAL	(\$385,422)	(\$379,167)
<u>Funding of Expenditures:</u>		
State Special Revenue (02)	(\$385,422)	(\$379,167)
<u>Revenues:</u>		
State Special Revenue (02)	(\$385,422)	(\$379,167)
<b>Department of Justice</b>		
<b>Program 01-Legal Services Division</b>		
FTE	6.75	6.75
<u>Expenditures:</u>		
Personal Services	\$283,122	\$282,822
Operating Expenses	<u>\$102,300</u>	<u>\$96,345</u>
TOTAL	\$385,422	\$379,167
<u>Funding of Expenditures:</u>		
State Special Revenue (02)	\$385,422	\$379,167
<u>Revenues:</u>		
State Special Revenue (02)	\$385,422	\$379,167
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>		
State Special Revenue (02)	0	0

TECHNICAL NOTES:

1. Section 11 of HB 571 indicates that DOJ costs may be defrayed, but does not include spending authority. Authority could be added to HB 2 or an exception could be amended to 17-7-402, MCA, to allow the Attorney General to seek appropriation authority as revenues are recovered or received.
2. The bill has no effective date. An effective date of July 1, 2003, would tie to the budget for the Consumer Protection Unit, which is in HB 2.